

THIRTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)

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SENATE

S. No. 1735

Introduced by Senator S. R. Osmeña III

EXPLANATORY NOTE

Article 11, Section 14 of the Constitution provides as follows:


"The State recognizes the role of women in nation building and shall ensure the fundamental equality before the law of women and men."

On Feb 15, 1992, Congress enacted R.A. 7192 otherwise known as the "Women in Development and Nation Building Act" which provided that in all contractual situations where married men have the capacity to act, married women shall have equal rights. Sec 5(1) of this law upholds the right of women to borrow and obtain loans and execute security and credit arrangements under the same conditions as men.

Sec. 45 of PD 1529, the present Land Registration Law, otherwise known as the Property Registration Decree provides that if the property covered belongs to the conjugal partnership, the certificate of title shall be issued in the name of both spouses. However, the same section applies only prospectively and does not affect titles registered under the provisions of Act 496, the Land Registration Act as amended, which was the governing law prior to the effectivity of PD 1529.

This bill, which was filed by Senator Roco in the Eleventh Congress provides for a retroactive effect to Section 45 of PD 1529 so that it will cover real property under absolute community and conjugal partnership registered before June 11, 1978, which is the date of effectivity of PD 1529.

In view of the foregoing, early passage of this bill is earnestly requested.


SERGIO OSMEÑA III
Senator

THIRTEENTH CONGRESS OF THE REPUBLIC
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S E N A T E
S. No. 1735

Introduced by Senator S. R. Osmeña III

AN ACT
TO ENHANCE THE ROLE OF WOMEN IN NATION-BUILDING AND OPTIMIZE
EQUALITY OF WOMEN BEFORE THE LAW BY GIVING RETROACTIVE
EFFECT TO SECTION 45 OF THE PROPERTY REGISTRATION DECREE,
P.D. 1529

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

1 SECTION 1. Section 45 of Presidential Decree No. 1529, otherwise
2 known as the Property Registration Decree is hereby amended to read as
3 follows:

4 "SEC. 45. Statement of personal circumstances in the certificates. –
5 Every certificate of title shall set forth the full names of the persons whose
6 interest make up the full ownership in the whole land, including their civil
7 status and the names of their respective spouses, if married, as well as
8 their citizenship, residence, and postal address. If the property covered
9 belongs to the ABSOLUTE COMMUNITY OR TO THE conjugal
10 partnership, it shall be issued in the name of both spouses.

11 THIS SECTION SHALL HAVE RETROACTIVE EFFECT INSOFAR
12 AS IT DOES NOT PRECLUDE OR IMPAIR VESTED OR ACQUIRED
13 RIGHTS IN ACCORDANCE WITH THE CIVIL CODE OR OTHER LAWS."

14 SEC. 2. Within six (6) months after the approval of this Act, the Land
15 Registration Administration in coordination with the National Commission on the

1 Role of the Filipino Women shall promulgate the necessary rules and regulations
2 for the proper implementation of this Act.

3 SEC. 3. **Repealing Clause.** – All laws, decrees, orders, rules and
4 regulations and other issuances inconsistent with the provisions of this Act are
5 deemed modified, revoked or repealed accordingly.

6 SEC. 4. **Effectivity.** – This Act shall take effect fifteen (15) days after its
7 publication in two (2) leading newspapers of national circulation.

Approved,